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Agenda items 91, 93 and 100

Macroeconomic policy questions

Sustainable development and international economic cooperation

Globalization and interdependence

Letter dated 25 November 2003 from the Permanent Representative of China to the United Nations addressed to the Secretary-General

The World Economic Development Declaration Conference was held in Zhuhai, Guangdong Province, China, on 6 and 7 November 2003. At the Conference, the World Economic Development Declaration (Zhuhai Declaration) (see annex) was adopted. At the request of most of the participating countries, I have the honour to request that the present letter and its annex be circulated as a document of the fifty-eighth session of the General Assembly, under agenda items 91, 93 and 100.

Please find attached herewith the text of the World Economic Development Declaration (Zhuhai Declaration) adopted by the World Economic Development Declaration Conference.

(*Signed*) **Wang** Guangya
Ambassador Extraordinary and Plenipotentiary
Permanent Representative to the United Nations

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Annex to the letter dated 25 November 2003 from the Permanent Representative of the People's Republic of China to the United Nations addressed to the Secretary-General

The World Economic Development Declaration (Zhuhai Declaration)

Peace and development are the common aspiration of people of all countries and are main themes in today's world. Peace is the basis for development and development promotes peace. It is our common duty to promote world economic development and safeguard world peace with "equality, credibility, cooperation and development" as the basic criteria.

In order to promote the establishment of a new world economic era of equality, mutual benefit, interdependence and common development and achieve the Millennium Development Goals, as determined by the United Nations Millennium Summit, we, Nobel Prize laureates, economists, representatives of international organizations, leaders of enterprises from developing countries and developed countries and people of all walks of life, showing our concern and support for peace and development, jointly issue the World Economic Development Declaration (Zhuhai Declaration).

1. Interdependence

Under market economy conditions, countries and economies of the world trade in goods and services and invest in each other. Closed countries and economies cannot effectively participate in the world economy, thus compromising their economic growth. All countries and economies must therefore be open and interdependent, and must develop together, according to the principles laid down by the United Nations and the World Trade Organization.

2. Scientific and technological progress

Science and technology play an important role in economic development. Science and technology should be conducive to the establishment of a highly efficient and rational economic system. Progress in science and technology should be promoted, achievements in this field applied wisely and advanced technical transfers from economically developed countries to developing countries should be promoted so as to accelerate the economic growth of all countries and enhance the livelihood of all people.

3. Efficient use of resources

All kinds of finite natural resources, including air, water, manpower, energy and raw materials should be used according to the laws of science, in an efficient way, and global economic resources should be distributed in an optimum manner.

4. Sustainable development

Man should coexist with nature in harmony so that populations, resources and environment interact in a beneficial cycle, offering a favourable environment for

steady economic growth and ensuring the sustainable economic development of the world.

5. **Distribution**

Increasing incomes and wealth should be fairly distributed among all countries and within each country. Elimination of poverty is the key step to reaching a fair distribution of income. Developing countries should carry out economic reform and enhance their national capability for creating wealth, and developed countries should help the developing countries in their economic construction with practical measures of assistance and reduction or exemption of debts, so as to facilitate the elimination of poverty, the improvement of relations between South and North, thus serving the well-being of all people in the world, irrespective of sex, race, culture or religion.

6. **Competition**

Competition is conducive to production, economic growth and the efficient use of limited resources. Good faith and legal systems are the basis and safeguard of competition. Nations and producers worldwide should be encouraged to compete with each other in a fair and proper manner. In order to promote the development of the world economy, monopolies should be opposed since they may impede trade and equal opportunities.

7. **Financing of economic development**

A more fair and reasonable financial system for the support of world economic development must be set up to facilitate the flow of funds and to increase the transparency of the flow of funds among nations and markets, thus maintaining a stable economic environment and allowing the achievements of investment and international trade to benefit all nations.

8. **Economic development and education**

Education and the development of skills should be promoted for all peoples of the world, regardless of which country or region they come from and regardless of their race, sex or income level, in order to improve the quality of the world population. Human resources should be vigorously developed to facilitate world economic development.

9. **Human factors in economic development**

Man and the harmony between man and nature are important conditions for economic development. All economic activities should serve the well-being of, and promote the elimination of poverty among, all people. Human beings are both producers and consumers. Producers should be encouraged to provide quality products and top-notch services to consumers worldwide in order to achieve the long-term well-being of all people. This is an eternal principle that all our actions shall follow.

We are ready to work together with Governments, enterprises and social strata who are committed to world peace, human common progress and development to build a glorious twenty-first century.

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Fifty-eighth session
Agenda item 12
Report of the Economic and Social Council

Open-ended panel of the General Assembly on commodities

Note by the President of the General Assembly

1. In its resolution 58/2 of 16 October 2003, the General Assembly decided to convene an open-ended panel of the General Assembly on commodities on 27 October 2003. It also decided that the President of the Assembly would present a summary of the discussions of the open-ended panel at the beginning of the debate in the Second Committee.

2. Having presided over the open-ended panel on this issue of critical importance, particularly for developing countries, I am now pleased to present the summary requested in resolution 58/2 (see annex).

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Annex

Open-ended panel of the General Assembly on commodities

1. The report of the Meeting of Eminent Persons on Commodity Issues (A/58/401), which was held at Geneva on 22 and 23 September 2003 under the auspices of the United Nations Conference on Trade and Development (UNCTAD), and the summary of the discussion at the recent session of the Trade and Development Board on the report of the meeting (see A/58/15 (Part V), chap. I.D.5), provided invaluable input to the deliberations of the open-ended panel.

2. In remarks made at the opening of the panel, the Chairman of the Second Committee, Iftekhar Ahmed Chowdhury, underscored the link between the deliberations of the panel and the consideration of agenda item 91 (g), Macroeconomic policy questions: commodities, by the Second Committee. His remarks put the issue into perspective in the context of the development of commodity-dependent countries in the global economy. Rubens Ricupero, Secretary-General of UNCTAD, gave a summary of the findings of the Meeting of Eminent Persons.

3. Four of the 15 eminent persons who participated in the important UNCTAD commodities exercise — Jorio Dauster, Roman Grynberg, Irfan ul Haq and Martin Kohr — also participated in the open-ended panel. They provided details of the results of their deliberations, as set out in the above-mentioned report, as their initial input into the interactive discussion that followed. Mark Ritchie, President of the Institute for Agriculture and Trade Policy, was invited to open the panel's interactive discussion.

4. Since the report of the Meeting of Eminent Persons on Commodity Issues was important to focusing the deliberations of the panel, it would be useful to recall some of its pertinent elements. The report contains 15 recommendations for action, which are arranged in three groups: those to be addressed in the short, the medium and the long term. In their report, the Meeting of Eminent Persons also made five specific recommendations, to which they attached the highest priority, particularly in the context of follow-up by the General Assembly:

(a) Enhanced, equitable and predictable market access for commodities of key importance to developing countries;

(b) Addressing the problems of oversupply for many commodities;

(c) Making compensatory financing schemes user-friendly and operational;

(d) Strengthening capacity and institutions;

(e) Pursuing the possibilities for the creation of a new International Diversification Fund.

5. The presentations of the panellists and the interactive discussion that followed covered a broad range of subjects relating to the issue of commodities. Among the interesting and notable perspectives that emerged from the presentations of the panel, which were taken up in the course of the interactive discussions, was the idea that the issue is simultaneously an "old" and a "new" one. In that context, the panellists emphasized the longstanding dependence of numerous developing countries on a few commodities for a major part of their income and export

earnings. For those countries, the performance of commodities markets has a major impact on their macroeconomic stability, their capacity to meet foreign debt obligations, their balance of payments performance, their success in poverty reduction and their overall sustainable development efforts.

6. Increased and sustained efforts to solve problems associated with commodity markets, including price declines and volatility, overdependence on a handful of commodities for export revenues and oversupply, were regarded as critical actions that had to be taken. In this context, improving competitiveness and ensuring better participation in global supply chains was considered to be key.

7. Panellists and participants identified a number of macroeconomic patterns of central importance that make the commodities issue a "new" one, requiring renewed attention by the international community. Pertinent "new" matters, together with comments/issues raised in the context of the panel discussion, which are particularly important to the deliberations of the Second Committee, were:

(a) Commodities and sustainable development: a new regime for commodity dependent countries was considered to be essential to long-term sustainable development;

(b) Commodities and Millennium Development Goals: attaining the objectives of the Millennium Development Goals would continue to be a serious challenge for those countries contending with widely varying or declining income owing to overdependence on the export of a single commodity, an issue that had to be addressed;

(c) Commodities and reduction of market participants: the panellists made particular note of the fact that the structure of the commodity markets of most developing countries is now marked by a significant reduction in market participants, as a result of which there has been a strengthening of the relative position of multinational firms in each commodity sub-market;

(d) Commodities and heavily indebted poor countries: many heavily indebted poor countries, in order to provide the information needed for the completion point and other markers required for the World Bank's Debt Initiative for HIPC, crucially depend on accurate forecasts for national revenues from the export of commodities. When such forecasts are not met, the entire Debt Initiative programme is undermined;

(e) Commodities and the World Trade Organization: the Doha programme of work, adopted by the World Trade Organization (WTO) at its fourth Ministerial Conference in 2001, contains but a single paragraph on commodities, and there was only one explicit commodity item, on cotton, on the agenda of the WTO fifth Ministerial Conference, held in Cancun, Mexico, in September 2003. Regrettably, the WTO process was not even able to address the urgent demands of West African countries on that single commodity;

(f) Commodities and vulnerabilities: the Economic and Social Council is now grappling with the definition of vulnerabilities in the context of least developed countries; every indication is that one key component of that definition might well be the vulnerability of those countries to the external structural realities of the commodity markets;

(g) Commodities and small island developing States: the Second Committee is now preparing for the review of the Barbados Programme of Action for the Sustainable Development of Small Island Developing States, and for the review conference, now scheduled for August 2004. A crucial matter for the economic viability of small island developing States is, in many cases, their dependency on a single commodity for export, a matter that should be addressed in the preparatory process and at the conference;

(h) Newer commodities: in earlier consideration of the commodities issue, it was understood by Governments that commodities referred to trade and processing of natural products, minerals and agricultural goods. Today, the concept of commodities could include industrial products and services that are marketed as if there were "old" commodities. Such is the case with commodities such as computer chips and commodity service providers.

8. Panellists and participants went beyond noting newer aspects of the commodities issue to identify new ways that intergovernmental cooperation could contribute to a resolution of challenges in this area. They emphasized that developing countries alone could not solve the problems in commodities markets arising from defects in the global market. A viable and long-term solution required action by individual countries, as well as joint action by consumers and producers of commodities from developing and developed countries alike.

9. Suggestions for future action on the commodities issue, as well as to enhance its visibility, included the involvement of a range of international organizations and possible action they might take. Concerned organizations and proposed courses of action, as well as action that might be taken in the context of the Millennium Development Goals and the United Nations Global Compact included:

(a) World Trade Organization: calls were made for the resumption of the Doha negotiations, giving special attention to negotiations on cotton and other commodities;

(b) International Monetary Fund: the connection between structural adjustment programmes and commodities and the importance of well-functioning compensatory finance systems was noted, and it was urged that these matters be considered;

(c) UNCTAD: the need to enhance capacity-building initiatives, establish new multi-stakeholder partnerships on commodities and examine the interrelationship between national development and the global market in detail was stressed by panellists and participants. These are important themes for consideration at the eleventh session of UNCTAD, which is to be held in Brazil in 2004;

(d) Millennium Development Goals: it was proposed that commodity-dependency matters should be considered in the implementation of the Millennium Development Goals;

(e) The United Nations Global Compact and individual commodity firms and their trade associations: both panellists and participants identified incorporating a commodity focus into ongoing corporate social responsibility efforts as a matter for urgent action.

10. One member of the panel also stressed that a long-term solution might be to take a new look at the establishment of an international export diversification fund.

Regarding keeping the commodities issue under long-term consideration, it was proposed that the open-ended panel on commodities might be maintained as a standing advisory group on commodity matters.

11. The commodity issue is of importance to millions of people around the world. There is an urgent need, now more than ever, to address it. Importantly, one head of State commented in his address to the general debate that there is a "conspiracy of silence" on the commodities issue. It is instructive in that regard that the sub-item on commodities, discussed under the topic of macroeconomic issues, is a biennial topic in the Second Committee.

12. As noted above, the commodities issue is mentioned in only one paragraph of the Doha programme of work of WTO. Cotton received attention at the fifth WTO Ministerial Meeting in Cancun only through the insistence of four African producers. Over the years, the work of UNCTAD, which was established in the 1960s in part to deal with the commodities issue, has been severely curtailed. Public understanding of the commodities issue now needs to be strengthened, resources allocated to the work on commodities need to be increased and the visibility of the commodities issue needs to be enhanced through international dialogue. These were courses of action that were highlighted by both panellists and participants alike.

13. A comprehensive programme of action by all relevant parties, including the private sector and non-governmental organizations, is critical. The objectives of such a programme could include: action for enhanced, equitable and predictable market access; solutions to the oversupply of commodities; user-friendly compensatory finance schemes; and technical assistance to strengthen national capacity and institutions, including assistance in dealing with the problems arising from defects in the global commodity market.

14. The expert opinions and recommendations of the eminent persons were very much appreciated, as was the secretariat support provided by UNCTAD and the Financing for Development Office in the Department of Economic and Social Affairs of the United Nations Secretariat. I take this opportunity to thank them once again for their contribution.

15. Let me now conclude by emphasizing the importance that I personally attach to cooperation in the commodities area, and in particular to practical solutions to address, as a matter of urgency, the plight of commodity-dependent countries. Our deliberations at this fifty-eighth session of the General Assembly have, I believe, raised the profile of our work in this area. It remains for us to sustain these efforts.

16. The Second Committee will now move to the next stage of its deliberations on sub-item 91 (g), on commodities, in particular by translating the deliberations of the open-ended panel and other relevant reports and discussions into what I hope will be an action-oriented, implementable resolution. The Chairman of the Committee has assured me that he will give this matter his personal attention. Let me assure you that I stand ready to work with him and to assist in any way I can to forge consensus on the resolution as well as on any other issues in the area of commodities.

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The situation in Afghanistan and its implications for international peace and security

Strengthening of the coordination of humanitarian and disaster relief assistance of the United Nations, including special economic assistance: emergency international assistance for peace, normalcy and reconstruction of war-stricken Afghanistan

The situation in Afghanistan and its implications for international peace and security

Emergency international assistance for peace, normalcy and reconstruction of war-stricken Afghanistan

Report of the Secretary-General*

Summary

The present report describes the work of the Transitional Administration to implement the Bonn Agreement. In this regard, the report focuses on the activities of the United Nations and describes key political and humanitarian developments in Afghanistan from July 2002 to November 2003.

The report highlights the deteriorating security situation as a major concern throughout the country. Unchecked criminality, outbreaks of factional fighting and activities surrounding the illegal narcotics trade have all had a negative impact on the Bonn process. During the reporting period, attacks on international and national staff

* The submission of the report was delayed in order to reflect the conduct of the Constitutional Loya Jirga, a major milestone in the Bonn process, scheduled for October 2003. As the Constitutional Loya Jirga was delayed until December 2003, it will be reflected in the next annual report.

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of the assistance community have intensified. The main security threats continue to be terrorist attacks by suspected Al-Qaida, Taliban and supporters of Hekmatyar against Government forces, the United Nations and the humanitarian community. The attacks have occurred mostly in areas along the porous border in the south and south-east.

Afghanistan's economy, according to the report, has experienced important growth. Other important achievements include the rehabilitation of the national primary education system and one of the largest United Nations-assisted refugee repatriation efforts in history. It remains essential to create a secure environment in the south of Afghanistan so that reconstruction activities can take place. Equally crucial are the central Government's efforts to extend its authority, enhance its administrative capacity and deliver socio-economic benefits on a nationwide scale.

The report concludes that the international community must decide whether to increase its level of involvement in Afghanistan or risk failure. The mandate set by Bonn can be accomplished only if the present deterioration in security is halted and reversed, and the programmes and staff of the United Nations, non-governmental organizations and others assisting the Afghans are provided adequate protection.

I. Introduction

1. The present report is submitted pursuant to paragraph 12 of General Assembly resolution 57/113 A and paragraph 23 of resolution 57/113 B of 6 December 2002, in which the Assembly requested the Secretary-General to submit to it, at its fifty-eighth session, a report on progress made in the implementation of those resolutions. The report serves as a summary of key political and humanitarian developments in Afghanistan, as well as the activities of the United Nations Assistance Mission in Afghanistan (UNAMA) from 1 July 2002 to November 2003. The issues covered in this report are dealt with in more detail in the periodic reports to the General Assembly and Security Council submitted during the course of 2002 and 2003 (A/56/1000-S/2002/737, A/57/487-S/2002/1173, A/57/762-S/2003/333 and A/57/850-S/2003/754 and Corr.1).

II. Implementation of the Bonn Agreement

A. Increased Government capacity and extension of authority

2. Over the past year, the Afghan Transitional Administration has implemented a number of measures to strengthen its administrative structures and extend its authority. The inter-ministerial budget-making exercise conducted early in 2003 was especially important in the development of national policy-making systems (see para. 49 below).

3. The central Government has promulgated a series of reforms, including the appointment of new provincial customs supervisors, to improve revenue collection from the provinces. In the first quarter of the current fiscal year, which began on 21 March 2003, Government revenue collection surpassed that of the entire previous fiscal year. The Government anticipates raising at least $200 million this fiscal year. The introduction of the new Afghan currency, completed in January 2003, was another crucial reform. The general stability of the currency following its introduction underlines the effectiveness of this reform.

4. Progress has also been made in civil administration reform. On 20 May 2003, the National Security Council summoned 10 of the country's most powerful provincial governors and two regional commanders to Kabul and demanded their compliance with a 13-point decision (see A/57/850-S/2003/754, para. 3). The Government took a significant step towards enforcing the decision on 13 August, when it replaced the governors of two provinces, Kandahar and Zabul, who had resisted central authority, and stripped Herat Governor Ismael Khan of his military position. President Karzai and the Ministry of Interior have also successfully replaced corrupt and incompetent officials both in Kabul and in the provinces. In certain cases, however, the new appointments have been resisted by local incumbents. This underscores the need for further efforts by the central Government to ensure that all government officials accept its legal authority to make appointments and enforce civil administration decrees.

5. The creation, on 11 June 2003, of the Independent Reforms Commission of Administrative and Civil Services should facilitate merit-based appointments and promotions of government officials (see A/57/850-S/2003/754, para. 5). The Commission has the authority to remove corrupt or unqualified government

officials. The establishment, also in June 2003, of a Salary Payment Task Force by the Ministry of Finance is expected to streamline payment mechanisms, help combat corruption, improve the retention rate of civil servants and help instil loyalty to the central Government.

6. The pilot phase of the census project mandated by the Bonn Agreement was completed in early 2003. The first phase of the full census, including updating maps and making preliminary population counts, has also been completed in Parwan, Kapisa and Logar provinces, under the lead of the Afghanistan Central Statistics Office, with support from the United Nations Population Fund (UNFPA). The second phase, the national population census, will begin in 2004.

B. Status of the Bonn process

Constitutional reform

7. The drafting of a new constitution, as called for by the Bonn Agreement, has been a critical task during the review period. The new constitution will provide a permanent foundation for re-establishing the rule of law in Afghanistan and will define a political order that allows for the aspirations of Afghans to be peacefully achieved.

8. The drafting process began with the inauguration in November 2002 of a Constitutional Drafting Commission. In April 2003 the Drafting Commission submitted a preliminary draft constitution to the Constitutional Review Commission, appointed by presidential decree the same month. The Review Commission comprises 35 commissioners, including seven women, and represents the full professional, religious, ethnic and regional diversity of Afghanistan. Following a month-long awareness campaign, the Commission initiated public consultations in all 32 provinces of Afghanistan and in the Islamic Republic of Iran and Pakistan. An estimated 178,000 Afghans, 19 per cent of whom were women, participated in more than 556 meetings to discuss the draft. In addition, over 50,000 written surveys were submitted. The results of these consultations were then incorporated by the Review Commission into a final draft constitution that was made public on 3 November 2003. The draft is being circulated nationwide prior to its submission to the Constitutional Loya Jirga for ratification.

9. The draft constitution would establish a president with significant powers and a bicameral legislature with a minimum quota for women members assured. Respect for fundamental human rights, and specifically for those rights enumerated in the Universal Declaration of Human Rights, are codified in the draft. At the same time, the draft calls for the laws of the nation to conform with the principles of Islam. The draft outlines transitional measures, including the issuance of decrees on the holding of presidential elections within six months of ratification and legislative elections no more than one year after the presidential elections are held. Reactions to the draft have been mixed. No precise polls are available, but there are indications that a significant number of Afghans believe that the draft will promote the peace process and strengthen the rule of law. Many Afghans, on the other hand, continue to favour a constitutional monarchy. This view is especially strong among Pashtuns. The status of national languages is also contentious; Pashto and Dari are to be the national languages, but minority languages are given no official status. Contention

also exists on the role of Islam, the protection of human rights (which some see as insufficient in the draft) and devolution of power to the regions.

10. The Constitutional Loya Jirga, which is to begin on 10 December 2003, will comprise 500 delegates. Of these, 344 will be elected on a provincial basis by the 16,000 registered district representatives from the 2002 Emergency Loya Jirga (see A/56/1000-S/2002/737, para. 29). An additional 106 seats have been allocated for the election of special-category representatives, including women, refugees in Pakistan and the Islamic Republic of Iran, internally displaced peoples, Kuchis (nomads) and Hindus and Sikhs. The President will appoint the remaining 50 delegates, who will have legal or constitutional expertise, and half of whom will be women.

Election process

11. The Bonn Agreement calls for elections to be held in June 2004 and for the United Nations to conduct a voter registration exercise prior to those elections. Given the long years of war and strife which all but destroyed the State, the legal and institutional structure had to be created ex nihilo. The Transitional Administration accordingly appointed a six-member Interim Afghan Electoral Commission on 26 July 2003. The Commission has begun working with UNAMA to prepare for the initiation of the voter registration project. The Joint Electoral Management Body, also established on 26 July, will oversee the voter registration process, including the issuance of regulations and guidelines, provisional registration of parties and final certification of the voter registry. The Joint Electoral Management Body is composed of the six interim electoral commissioners and five international electoral experts, including the head of the UNAMA Electoral Unit.

12. In August 2003 the United Nations and the Afghan Government presented to donors a budget of $78 million for the conduct of the voter registration project. This budget, which must be met by voluntary contributions, remains underfunded by more than 50 per cent. As of early December 2003, $47 million had been either pledged or committed. Delays in funding added to a number of other logistical, cultural, geographical and political complexities. As a result, the initiation of the voter registration project was delayed from 15 October to 1 December. Security concerns following the placement of a car bomb outside the UNAMA electoral office in Kandahar in November 2003 forced a reduction in the number of teams that were to be deployed on 1 December. Under the revised plan, registration teams will deploy in each of the eight regional centres in Afghanistan, though initially voter registration will take place mostly at sites where provincial elections for the Constitutional Loya Jirga are being conducted under tight security.

13. Depending on financial and security conditions, additional registration teams will be deployed in three separate phases. The first phase will cover the regional centres with about 70 teams. The second phase will add a further 79 teams and will spread to provincial capitals. The third phase will add approximately 150 more teams, some of which will be mobile and will be deployed to remote rural areas.

14. A complementary $9 million registration security project has also been designed and presented to donors. The project will support the training and deployment of Afghan police alongside registration teams. This project, which is to be financed through the Law and Order Trust Fund for Afghanistan, is fully funded.

Overall security situation

15. Security remains a major concern throughout much of the country. Unchecked criminality, outbreaks of factional fighting and activities surrounding the illegal narcotics trade have all had a negative impact on security. The primary source of instability remains terrorist activities by suspected Taliban, Al-Qaida, and supporters of Gulbuddin Hekmatyar. These groups have targeted members of the Transitional Administration and the international community. During the past year, attacks on international and national staff of the assistance community have intensified. In March 2003 an international staff member of the International Committee of the Red Cross was murdered in Uruzgan province, while in the same month an Italian visitor was killed in Zabul province. United Nations and non-governmental organization vehicles and offices have also been targeted by sniper fire and attacks with explosives, resulting, in some cases, in loss of life. Earlier in the year, demining activities were halted following a deadly series of ambushes against national deminers. On 7 June 2003 a suicide car bomber detonated his vehicle alongside an International Security Assistance Force bus in Kabul, killing four soldiers and injuring 29 others in the deadliest attack against the Force since its deployment. Tragically, the month of November 2003 witnessed a series of attacks on United Nations staff and facilities, culminating in the murder of an international staff member of the Office of the United Nations High Commissioner for Refugees (UNHCR) in Ghazni on 16 November.

16. Throughout the south and south-east, particularly the border areas, terrorist attacks against government forces, non-governmental organizations and Afghans perceived to work for or support the Government have increased. Coalition forces and Afghan National Army forces have conducted operations to seek out armed groups and to prevent cross-border infiltration. Nonetheless, in order to guarantee the safety of its staff, the United Nations imposed severe travel restrictions in the southern region (see A/57/850-S/2003/754, para. 24). Following the events of mid-November 2003, the United Nations suspended road missions and staff movements in the affected regions and reduced international staff levels. These precautions, while necessary, clearly hinder the United Nations ability to deliver programmes and support the peace process.

17. Another source of insecurity continues to be rivalry between armed factions. Skirmishes between rival factions in the north led to the establishment in early 2003 of a Joint Security Commission, in which UNAMA participates. Among its successes, the Commission was able to broker ceasefires following the outbreak of fighting in Maymana, Faryab province, in April 2003 and in Mazar-i-Sharif, Balkh province, in May and October 2003. Nonetheless, tensions remain high and durable solutions are not yet apparent.

Security sector reform

18. In the last eight months the Government has begun the process of reforming national security institutions. This process requires coordinating five interrelated efforts: (a) disarmament, demobilization and reintegration of armed factions; (b) building a new national army; (c) training a new national police force and border guard; (d) rehabilitating the justice sector; and (e) counter-narcotics.

19. Momentum for reform was set by the 1 December 2002 presidential decree establishing the Afghan National Army and calling for the disarmament,

demobilization and reintegration of all factional forces and the reform of the Ministry of Defence. Unfortunately, the pace of reform has been slower than desired. Indeed, each step of the process has met with opposition from political leaders at the highest levels.

20. Nonetheless, important progress was made with the implementation in September 2003 of a Ministry of Defence reform plan. The plan called for 22 "first tier" positions within the Ministry to be restaffed so that the leadership would be more representative of Afghanistan's diversity. This meant, in particular, decreasing the influence of the Defence Minister's Panshiri faction. The reform, when accomplished, was less sweeping than had been hoped. As a result, many Afghans continue to believe that real power remains in the hands of a single faction. This sentiment is particularly strong among the Pashtun population in the south. In order to gain the confidence of many Afghans, the new Ministry of Defence must demonstrably pursue national, rather than factional, policies. In particular, the newly appointed high-level staff must be given, and demonstrate, effective authority in their areas of responsibility. Similar reforms are needed in the Ministry of Interior and Intelligence agencies, so that they are truly national institutions.

Disarmament, demobilization and reintegration

21. As stated above, reform of the Defence Ministry underpins a number of other reform efforts. The disarmament, demobilization and reintegration of armed factions is a crucial programme that could not be implemented as long as the Ministry of Defence was overtly controlled by a single faction. Without disarmament, demobilization and reintegration, insecurity will persist and popular participation in the constitutional process and in the national election will be hindered. A successful disarmament, demobilization and reintegration programme, on the other hand, can help create the conditions for the emergence of an impartial judicial system and the establishment of a functional national army and police.

22. In October 2003, the Ministry of Defence reform was deemed to be sufficient to allow the initiation of two disarmament, demobilization and reintegration pilot projects. In the first pilot project, which began in Kunduz on 24 October, 647 soldiers were demobilized and absorbed into various reintegration schemes. The second pilot project began in Gardez on 9 November, and 586 soldiers were demobilized. The full disarmament, demobilization and reintegration programme is likely to begin in early 2004. Overall, the programme aims to disarm 40,000 soldiers and reintegrate 35,000 over the first year (the remaining 5,000 will be trained and incorporated into the new national army). Some 100,000 soldiers will be demobilized over the multi-year programme.

23. The preparation of the technical and operational dimensions of the disarmament, demobilization and reintegration programme has been strongly supported by the Government of Japan, which is the lead nation for this effort. On 22 February Japan hosted a donor conference in Tokyo to mobilize international support, at which pledges totalling $50.7 million were made, and Japan itself contributed $35 million to the programme.

Afghan National Army

24. Under the lead of the United States of America, 11 Afghan National Army battalions have been established, bringing the current force strength to about 6,500

soldiers out of an eventual 70,000. Four battalions will be ready to provide security during the Constitutional Loya Jirga in December 2003. In July 2003 two Afghan National Army battalions joined the United States-led coalition forces in Zurmat, Paktia province, to combat suspected Taliban and other insurgents. One battalion has also been deployed to Mazar-i-Sharif to help stabilize the area. Afghan National Army units temporarily deployed on training missions around the country, including in Gardez and Bamian, have been well received by Afghans, who have appreciated their discipline and professionalism.

Police and corrections reform

25. Among Afghan security institutions, the Ministry of Interior has implemented the most far-reaching reforms. In response to the 6 April 2003 presidential decree, the Ministry has begun reorganizing its internal structure and devised a five-year plan for establishing a professional 50,000-member national police service and 12,000-member border guard (authority for the border guard was transferred from the Ministry of Defence to the Ministry of Interior in January 2003). The training of the police officer corps, as well as specialized units, is being conducted by the German Police Support Project. Since May 2003 the United States of America has run a complementary programme to train police instructors and upgrade the skills of officers currently serving in the Kabul police force. The Ministry of Interior also established an autonomous human rights unit in April 2003. This unit has followed up on over 70 cases of alleged human rights violations by law enforcement officials since the end of May.

26. The transfer of responsibility for national corrections services from the Ministry of Interior to the Ministry of Justice is ongoing. The Judicial Reform Commission is carrying out a survey to determine which corrections facilities should be upgraded to meet minimum international standards. On 17 May a two-year agreement was signed by the Ministry of Justice and the United Nations Office on Drugs and Crime on the reform of the penitentiary system in Afghanistan.

27. Funding for police sector reform, including the payment of police salaries, is being carried out through the Law and Order Trust Fund for Afghanistan, administered by the United Nations Development Programme.

Judicial reform

28. In the context of Afghanistan's fragile transition to peace, reform of the justice sector is inseparable from security, and thus from parallel reforms of the military, the police and the correctional system. The goal of judicial reform in particular is to create impartial, accountable, sustainable and permanent institutions of justice.

29. The Transitional Administration established the Judicial Reform Commission, which began work in November 2002 (see A/57/762-S/2003/333, para. 37, and A/57/487-S/2002/1173, para. 25). Italy, the lead donor country for the justice sector, organized a conference in Rome on 19 and 20 December at which donors pledged $30 million for financial and technical support, of which $20 million came from Italy itself.

30. The Judicial Reform Commission completed a preliminary survey of justice sector needs, including physical infrastructure, staffing, procedures, informal justice and corrections, in 10 provinces in June 2003. A number of other initiatives have

begun, including training for judges and prosecutors, infrastructure rehabilitation, indexing and revising of laws, and legal education and awareness.

Drug control

31. The Transitional Government has demonstrated its commitment to address illegal drug production and has expressed its readiness to join multilateral counter-narcotics efforts. Nonetheless, according to the *Afghanistan Opium Survey 2003* of the United Nations Office on Drugs and Crime, Afghanistan remains the largest opium-producing country in the world. Opium growers have, furthermore, adapted to eradication efforts. Poppy cultivation appears to have spread to several new provinces in the 2003 planting season, while decreasing in the traditional growing areas of Helmand, Kandahar, Nangarhar and Uruzgan.

32. With support from the United Nations Office on Drugs and Crime and the United Kingdom of Great Britain and Northern Ireland, the lead nation for drug control, the Government undertook several steps to combat illegal narcotics during the reporting period. A Counter-Narcotics Directorate was created within the National Security Council of Afghanistan in October 2002 to provide technical support and advice to relevant ministries and to ensure the timely implementation of national drug control objectives. In May 2003 Afghanistan adopted a 10-year national drug control strategy aimed at eliminating the production and consumption of illicit narcotics and trafficking into, within and from the country. Additionally, a Counter-Narcotics Police Department was created within the Ministry of Interior. An eradication campaign had some tangible results but had to be discontinued in some areas as a result of significant opposition from farmers.

33. Rural underdevelopment, the absence of rule of law, limitations on financial resources for law enforcement and the lack of alternative livelihoods continue to limit the capacity of the Government to combat illegal narcotics. In this regard, regional solutions to the threat of drugs are all the more important. In May 2003 the International Conference on Drug Routes from Central Asia to Europe brought together countries affected by drugs from Afghanistan in order to promote international cooperation and to strengthen national interdiction and the demand-reduction policies of those affected.

Provincial reconstruction teams

34. Beginning in December 2002, the United States-led coalition forces began deploying provincial reconstruction teams outside of Kabul (in Bamian, Gardez and Kunduz). The teams have assisted with reconstruction and contributed to the overall security environment by building confidence, assisting in the extension of government authority and providing a platform for the training and deployment of new national security institutions. UNAMA has worked closely with the teams, helping them to support the security needs of Afghanistan by proposing functions such as providing police training and rehabilitating government and transportation infrastructure.

35. A number of countries have shown an interest in setting up additional teams, including New Zealand, which assumed command of the Bamian team. The United Kingdom of Great Britain and Northern Ireland earlier deployed a team to Mazar-i-Sharif, where it has taken an active role in supporting the mediation and disarmament work of the Joint Security Commission (see para. 17 above). Germany

is establishing a team in Kunduz, which is under the authority of the International Security Assistance Force, as opposed to the other teams functioning under Coalition supervision. The United States has established teams in Herat and Kandahar. In total, 13 teams are planned to start by early 2004. Priority is being given to creating a chain of provincial reconstruction teams across the unstable south of Afghanistan, in Kandahar, Khost, Kunar and Zabul.

International Security Assistance Force

36. Germany and the Netherlands assumed leadership of the International Security Assistance Force (ISAF) from Turkey in February 2003. Following their completion of six months of command on 11 August 2003, control of ISAF was transferred to the North Atlantic Treaty Organization (NATO). NATO leadership is meant to obviate the need to find a new lead country every six months and provide more integrated command and logistics support. The mandate of ISAF remains unchanged under NATO command, and non-NATO countries continue to contribute troops. The presence of ISAF has greatly contributed to the security environment in Kabul and continues to be well received by the public.

37. On 13 October 2003 the Security Council adopted resolution 1510 (2003), authorizing the expansion of ISAF beyond Kabul, which the Afghan Government and the United Nations had been urging since early 2002. The establishment under ISAF command of a German provincial reconstruction team in Kunduz (see para. 35 above) is the first deployment of ISAF beyond Kabul. It remains important for other countries to provide the manpower and resources necessary to continue to extend ISAF to the other major cities of Afghanistan where its presence is greatly needed.

International relations

38. Looking to the region in general, it remains important for the seven signatories of the December 2002 Kabul Declaration on Good-Neighbourly Relations and the 22 September 2003 Declaration on Encouraging Closer Trade, Transit and Investment Cooperation to respect and build upon their commitments to support regional political stability and mutual economic well-being. Relations between Afghanistan and Pakistan have experienced some tensions, expressed publicly, during the reporting period. A key issue is the infiltration from across the Pakistan border of elements hostile to the Afghan Government. In a meeting with President Karzai on 22 April 2003, President Musharraf expressed his willingness to cooperate with Afghanistan on security. However, reports in late June and early July of incursions into Afghan territory by Pakistan military forces undermined these efforts for cooperation. The reports led, inexcusably, to the ransacking of the Pakistan Embassy in Kabul by a mob on 8 July 2003, marking a low point in what had otherwise been a period of improved bilateral relations in trade, assistance and refugee returns. The establishment in April 2003 of a tripartite commission by Afghanistan, Pakistan, and the United States of America has helped to address the underlying causes of tension between the two neighbours.

C. Human rights

Overall human rights situation

39. In the absence of rule of law in Afghanistan, violations of human rights are, unfortunately, routine. During the reporting period, UNAMA has received and followed up on numerous complaints of political intimidation. Many of these include claims by the media, civil society and political parties that their freedom of expression has been curtailed. These violations have been observed mainly in Kabul, Herat and, to a lesser extent, Mazar-i-Sharif. The apparent increase in abuse in recent months, as the constitutional reform process and preparations for the national election get under way, are particularly worrisome. The legitimacy of these processes depends on unhindered participation by all Afghans.

40. The persecution and forced displacement of minority groups in the north and west, particularly of Pashtuns, led to the establishment in October 2002 of the Return Commission for the North. A recent mission to Faryab, Samangan, Balkh, Jowzjan and Sar-i-Pul provinces by the Return Commission Working Group determined that conditions amenable to the return of refugees and internally displaced persons generally exist in the region, though in several districts adequate security conditions are still lacking. Understandably, many internally displaced persons in the south indicated their unwillingness to return to their areas of origin in the north unless security can be guaranteed, impunity for commanders ended and disarmament, demobilization and reintegration implemented.

41. A preliminary assessment of the Dasht-i-Leily mass grave was conducted by forensic experts from the Office of the United Nations High Commissioner for Human Rights (OHCHR) in February 2003 (see A/57/762-S/2003/333, paras. 43 and 44, and A/57/487-S/2002/1173, para. 21). No further work has been conducted, as security for the site and for potential witnesses cannot yet be guaranteed. However, in this context, it is important both symbolically and as a deterrent against egregious violations of human rights that the Government took the important step of ratifying the Statute of the International Criminal Court on 10 February 2003.

Afghan Independent Human Rights Commission

42. Throughout the past year, the Afghan Independent Human Rights Commission, with support from UNAMA and OHCHR has refined its capacity to process petitions and complaints and to conduct human rights investigations. The ability of the Commission to serve as an effective advocate for victims of abuse has been aided by its relationship with the United Nations. The Commission has also begun to operate at the national level following the opening of seven satellite offices across the country between March and May 2003. The arrival of the Chief Technical Adviser to the Commission has facilitated its strategic planning and prioritization of activities. The Commission has consulted with the Judicial Reform Commission and the Constitutional Commission to ensure that the latter adequately reflects human rights concerns, and has also organized a number of human rights education and training seminars for an array of constituents, including Government ministries, journalists, mullahs and religious scholars and the national police. Additionally, the Human Rights Advisory Group, established in the context of the consultative process for the national development budget and chaired by the Commission, has provided a monthly forum for representatives of the Government, the donor

community, the United Nations and non-governmental organizations to coordinate broader human rights issues.

D. Gender

43. Women have been actively involved in the preparations for the Constitutional Loya Jirga and national voter registration. The Ministry of Women's Affairs, UNAMA, the United Nations Development Fund for Women and civil organizations have convened a number of meetings over the past several months to examine issues such as the role of women in constitutional (see para. 8 above) and legal reform and in the election. The voter registration process, for example, includes a number of specific measures to promote the enfranchisement of women.

44. On 8 March 2003 International Women's Day was celebrated in coordination with the Ministry of Women's Affairs. A resolution was passed recognizing the important role of women in reconstructing the country. Afghanistan's commitment to women's human rights was strengthened by its ratification of the Convention on the Elimination of All Forms of Discrimination against Women on 4 April 2003.

45. Nonetheless, women in Afghanistan continue to face significant obstacles. Intimidation, restrictions on movement, forced marriage, honour killings and "protective" incarceration are realities, particularly in rural areas, where conservative social attitudes prevail. Women are also threatened in these areas by local commanders who violate women's rights and commit sexual abuse with impunity. Refugee women and widows also face specific risks associated with lack of security, as well as physical and psychological hardship.

III. Relief, recovery and reconstruction

46. During the review period, Afghanistan has made definite progress towards post-war recovery. Gross domestic product grew by 30 per cent in 2002-2003, and is expected to grow by a further 20 per cent in 2004. Other achievements include the rehabilitation of the national primary education system and the successful management of one of the largest United Nations-assisted refugee repatriation efforts in history (see paras. 64-67 below). Serious challenges remain, however. The most important of these is to create a secure environment in the south of Afghanistan so that reconstruction activities can take place. Equally crucial are the central Government's efforts to extend its authority, enhance its administrative capacity and deliver socio-economic benefits on a nationwide scale.

47. The blueprint for post-war recovery is contained in Afghanistan's national development budget. The budget for the current year is $1.8 billion. As of mid-September, total donor commitments to the development budget are $1.2 billion. Of this, $529 million has been disbursed, representing 29 per cent of budget requirements and 40 per cent of funds committed by donors. The funding shortfall means that many programmes remain under-delivered. The potential for donor fatigue is particularly worrying given that next year's development budget will increase to $2.5 billion as the implementation of larger projects accelerates.

48. United Nations assistance to Afghanistan is channelled through the Transitional Assistance Programme for Afghanistan. Launched in December 2002, it

established priorities and strategies for coordinated international assistance in support of relief, recovery and reconstruction. The Programme reflects an agreement between the Transitional Administration and the United Nations to ensure that United Nations humanitarian programming supports the national priorities identified by the Government in the national development budget and strengthens the Government's implementation capacity. For the period covering January 2003 to March 2004, the Programme originally sought $815 million. This was subsequently reduced to $715 million, as the Programme was consolidated with the national development budget. As of October 2003, some $360 million in contributions had been received, meaning that just over 50 per cent of the revised requirements for the Programme have been met. An additional $354 million is still needed.

49. In order to strengthen programme collaboration between the United Nations and Government partners, it was jointly agreed to conduct periodic joint programme reviews. At the first such review, held in late September 2002, agencies were requested to submit their individual agency plans for 2003 to an inter-ministerial committee. The objective of this midterm review was to assess the implementation of the 1382 (March 2002-March 2003) development budget identify critical funding gaps and evaluate lessons learned. The review demonstrated that the national development budget is becoming the primary instrument of government policy-making and that the consultative group process is becoming the main mechanism for coordinating government, donors and United Nations agencies.

50. In June 2003 the Ministry of Rural Rehabilitation and Development launched the National Area-Based Development Programme (see A/57/850-S/2003/333, para. 8). Under the leadership of provincial governors, four-day local planning workshops identified district-level development priorities in 21 provinces, where at least one priority project will be funded during 2003. The Ministry of Rural Rehabilitation and Development, in cooperation with the Ministry of Finance, also initiated the National Solidarity Programme, which aims to develop community-level development capacities. Nineteen national and international non-governmental organizations have been granted one-year contracts as facilitating partners in 29 provinces, with further contracts covering the remaining three provinces expected shortly. Over the next year, some 6,900 villages in 96 districts will participate in the Programme (see A/57/850-S/2003/333, para. 9).

A. Winter response

51. Some 2.2 million highly vulnerable Afghans, mainly in the north, west and central highlands, received winter assistance during the review period. In rural areas, special attention was given to remote communities. In urban areas, priority was given to returnees and internally displaced persons lacking adequate shelter or support mechanisms, as well as to extremely vulnerable families. The provision of assistance was facilitated by a cabinet-level winter-preparedness commission led by the Ministry of Rural Rehabilitation and Development. United Nations staff were also seconded to provincial departments to facilitate the provision of assistance. Non-food needs were met and 95 per cent of required food supplies were pre-positioned prior to February 2003. Emergency repairs to the Salang Tunnel by the Ministry and non-governmental organization partners and to other routes by the United Nations Joint Logistics Cell and the United Nations Office for Project Services (UNOPS) maintained road access throughout the winter months.

B. Agriculture

52. The 2002 cereal harvest was 83 per cent above that of the previous year and only slightly below the pre-drought levels of 1998. In 2003 cereal production was up by another 50 per cent due to good rainfall and the exploitation of previously unused land plots. In 2003, wheat production in rain-fed areas increased 77 per cent over that of 2002. The abundant rainfall has also induced farmers to cultivate marginal land, which has normally been used as pastureland in some areas. However, equivalent high levels of production from rain-fed land may not be sustainable in the future.

C. Food aid and food security

53. As of June 2003, some 10 million people had been provided with 535,000 metric tons of food commodities, including supplementary feeding, school feeding and civil service rations. An estimated 6 million Afghans still require food assistance for the rest of 2003. Substantial food deficits remain among certain remote, displaced and recently returned populations, but the numbers of those affected are substantially lower than in 2002, reflecting increased rainfall and the start of economic recovery. However, food insecurity has been exacerbated in some areas of the country by environmental degradation and, in the south and south-west, continued drought.

54. A combination of ongoing food aid schemes is ensuring that food assistance needs are met. As Afghanistan has a predominantly agrarian economy, the majority of food aid projects are focused on the restoration of agricultural opportunities, the recovery of agricultural land, seed stocks, irrigation systems, the rehabilitation of pasturelands and the recuperation of livestock, as well as environmental protection. Special initiatives are addressing the particular needs of vulnerable groups, including nomadic Kuchi populations, whose traditional way of life has been severely damaged by years of drought and conflict.

D. Health and nutrition

55. During the reporting period, the Ministry of Health has focused on providing all rural communities with access to primary care by the end of 2003 through the Basic Package of Health Services programme, which is supported by the World Bank, the United States Agency for International Development, the European Union and the United Nations Children's Fund (UNICEF). In response to maternal mortality in Afghanistan, which is the highest in the world, the Ministry of Health, with support from UNICEF, the World Health Organization (WHO) and UNFPA, is establishing an emergency obstetric care centre in each province. As the availability of safe blood is a key function of emergency obstetric care services, further reductions in maternal mortality are expected to result from the Central Blood Bank, which opened on 15 June.

56. On 20 May 2003 Afghanistan observed a Day of National Unity for Children to highlight its achievements in children's health and education over the last 18 months. On the same day it launched the birth registration campaign for children under one year of age and national immunization days. Through the birth

registration project, basic information is being collected that helps ensure that children are immunized and enrolled in school at the right age, as well determining the need for basic services and facilitating efforts to protect them from illegal trafficking and adoption.

57. The national immunization days campaigns during the reporting period were highly successful. In 2002 11 million children were immunized, and in 2003 5 million. Following the final round of immunizations against poliomyelitis in December 2002, no confirmed cases of polio have yet been reported in 2003. In May 2003 measles coverage was 94 per cent nationally, effectively stopping the transmission of measles, which was responsible for up to 15 to 20 per cent of mortality in children under five years of age. The 2003 tetanus campaign for women of childbearing age had coverage of 95 per cent.

E. Water and sanitation

58. The Ministry of Rural Rehabilitation and Development in collaboration with UNICEF, UNHCR and several non-governmental organizations has been providing safe drinking water and sanitation facilities to schools, vulnerable villages affected by drought, communities experiencing high numbers of refugee returns and camps for internally displaced persons. In addition, UNICEF, WHO and the World Food Programme (WFP) are working with the Ministry of Health to reduce the steep rise in the incidence of diarrhoeal diseases, especially in major cities, through public awareness campaigns and the chlorination of drinking water. This year, all camps for internally displaced persons have been provided with these facilities, but only a third of the 3,500 schools and less than 5 per cent of the vulnerable villages targeted have received these services. The main constraints of the sector are the low funding response from donors, the shortage of sufficient implementing partners and appropriate drilling equipment, and insufficient capacities to plan and manage the sector.

F. Education

59. For the new school year, which began on 21 March 2003, educational supplies were distributed to 4 million schoolchildren, 50,000 primary school teachers and over 5,000 school principals nationwide. Following the back-to-school programme, 829,000 more Afghan children were enrolled in school in 2003 than in 2002; some 304,500 of those are girls. To encourage enrolment, attendance and school performance, WFP has been providing food assistance to nearly 400,000 schoolchildren in 1,416 schools throughout the country. As an added incentive to attend school, girls have also received a take-home oil ration.

60. A technical assessment led by the Ministry of Education, in partnership with UNICEF and UNOPS, identified 292 schools countrywide, serving over 127,000 children, for rehabilitation or construction. With support from the Ogata Initiative, 196 are located in the Mazar-i-Sharif, Jalalabad and Kandahar regions, areas of high numbers of refugee returns.

61. In order to reduce the high rate of illiteracy among women — an estimated 79 per cent — a new partnership between the Ministry of Education, the Ministry of Women's Affairs and UNICEF was launched on 8 March 2003, International

Women's Day, to produce the country's first literacy textbook for women. To complement the textbook, a set of teaching materials is also being produced for those who will deliver literacy courses.

G. Culture and media

62. The Ministry of Information and Culture, with support from the United Nations Educational, Scientific and Cultural Organization (UNESCO), has begun work on restoring a number of cultural sites and monuments, including the Kabul Museum. The rehabilitation of the national archives, public libraries and the Kabul theatre were completed during the reporting period. The Ministry and UNESCO are also attempting to prevent illicit excavations of historical sites and trafficking of cultural objects.

63. In the area of media development, UNAMA has been involved in several projects to increase the availability of news and information on the Bonn process. Since December 2002 Radio and Television Afghanistan (RTA) has been producing a weekly radio programme in Dari and Pashto, with input from the United Nations. In cooperation with UNAMA, RTA has also trained four television producers and provided state-of-the-art film-editing equipment, which has enabled work to start on a series of television documentaries.

H. Voluntary repatriation and reintegration

64. According to UNHCR, over 2.5 million individuals have received repatriation assistance since the operation began in March 2002. The returnees have generally been able to return to their communities of origin and have faced no discrimination on the basis of their returnee status. However, like settled members of communities, the sustainability of their livelihoods and protection from human rights abuses remain critical issues that are exacerbated by the absence of security.

65. Afghanistan, the Islamic Republic of Iran and UNHCR signed a joint agreement in June 2003 on the voluntary repatriation of Afghan refugees. It is a continuation of the repatriation agreement signed in Geneva last year and provides for the gradual return of some 1 million Afghans from the Islamic Republic of Iran over the next two years. The agreement, which will remain in force until 2005, gives Afghanistan and the principal countries of asylum a framework for the voluntary return of refugees during that time frame.

66. Since the beginning of 2002, UNHCR and the International Organization for Migration have provided 341,000 internally displaced persons with assistance in returning to their places of origin. Since January 2003 over 41,000 internally displaced persons have left camps in the south and west of the country. Lingering effects of drought and ongoing security threats, however, have prevented the 300,000 internally displaced persons still living in camps and settlements from returning. The majority of these individuals are in Helmand and Kandahar.

67. UNHCR has suspended its repatriation programme from Pakistan in the wake of the killing of a UNHCR staff member, Bettina Goislard, in Ghazni in November 2003. Voluntary repatriation centres in Pakistan were closed, as well as the office in

Ghazni. UNHCR also temporarily closed its offices in Kandahar, Gardez and Jalalabad and has suspended road missions in the south, south-east and east.

I. Mine action

68. Landmines and unexploded ordnance remain a significant threat to the recovery of Afghanistan. Close to 800 square kilometres of land throughout the country — of which over 50 per cent is of the highest priority for clearance — is affected, creating a serious impediment to critical humanitarian and development activities and inflicting large numbers of casualties on the local population. In some areas, contamination has been exacerbated by recent military activities and by heavy rains and landslides, which have shifted mines into previously cleared areas and altered minefield markers.

69. In response to this problem, the Mine Action Programme for Afghanistan, made up of 15 implementing non-governmental organizations with over 7,200 personnel and coordinated by the United Nations Mine Action Centre for Afghanistan, has continued to meet the growing needs of humanitarian and development partners and to increase its cooperation with the Government and other entities. Significant efforts were made in 2003 to combat the threat, including the clearance of over 105 square kilometres of land and the provision of messages to 2.5 million Afghans on reducing mine risk. Surveying has reduced suspected threat areas by over 26 square kilometres, while humanitarian and development priorities, such as major road projects and infrastructure, have been better integrated into the planning, coordination and implementation of operations. In the coming months, the Mine Action Programme will also assist in the disarmament, demobilization and reintegration process through the integration of significant numbers of former combatants as part of a "mine action for peace" initiative. These efforts are part of ongoing progress to making Afghanistan mine-safe within 10 years as per a multi-year strategy developed by the Government, the United Nations Mine Action Centre for Afghanistan and other partners. The continuation of these tasks, which remain a prerequisite for many of the other development and recovery efforts, will, however, remain reliant upon significant donor support for mine action.

J. Road reconstruction

70. In July 2003 the United States of America and Japan began repairing six sectors of the Kabul-Kandahar highway, totalling 439 kilometres in length. Elsewhere, Pakistan and the European Union are undertaking reconstruction of the Torkham-Kabul road; the Asian Development Bank is proceeding on the Spin Boldak-Kandahar sector; the Islamic Republic of Iran should complete work on the Islam Qala-Herat road early next year; and Saudi Arabia is repairing a portion of the Kandahar-Herat road. As part of a $108 million World Bank emergency transport rehabilitation programme, reconstruction of the Salang Tunnel, the main road link between the north and the south of the country, began in July 2003 under the supervision of the Ministry of Public Works.

IV. Mission

71. On 1 November 2002 the Department of Peacekeeping Operations assumed the lead responsibility for UNAMA from the Department of Political Affairs.

72. Greater integration of United Nations efforts in Afghanistan is being facilitated through the establishment of the United Nations Operations Centre, a combined logistics and administrative facility on the outskirts of Kabul. UNAMA relocated its administrative offices to the complex on 31 March 2003 and has since continued to transfer components of the mission there. The Afghan New Beginnings Programme formally inaugurated its headquarters at the complex on 12 July 2003, and UNICEF is expected to move into the complex on 15 August 2003. Other United Nations agencies are considering or have committed to relocating in whole or in part. Co-location should improve staff security and allow financial savings through the provision of joint facilities. To assist in the transfer of electoral staff and supplies to Kabul, UNAMA also opened an office in Dubai effective 12 June 2003.

73. The Mission has continued to convert international posts to national ones in order to minimize the size of the international staff presence and develop national staff capacity. Training courses in English, report writing, computer use and other skills have also been offered to national staff.

74. Deputy Special Representative Fisher left the Mission at the end of July 2003. His departure provided an opportunity to reassess the structure of UNAMA in order to further integrate its relief, recovery and reconstruction, political and other functions and to increase its coordination with United Nations agencies and its ability to provide leadership and guidance at the policy and strategic levels in all aspects of its mandate, while acting as an instrument for the national Government to develop its full potential and leadership.

75. In response to the demand for explicit involvement by UNAMA in the disarmament, demobilization and reintegration process, the Security Council adopted resolution 1471 (2003), authorizing the enlargement of the Military Advisory Unit from 8 to 12 officers. This will make it possible to deploy one military liaison officer to each of the eight field offices on a more permanent basis.

76. Security Council resolution 1471 (2003) also authorized the expansion of the Civilian Police Advisory Unit to eight officers. The enlarged complement of officers has improved the ability of UNAMA to provide advice to the Government, in coordination with the German and United States training projects.

V. Observations

77. It has been more than 12 months since the establishment of the Transitional Administration. In this time, the initial euphoria of peace has been replaced by the complex legacies of two and a half decades of armed conflict. As a result, critical political processes have had to be or are at risk of being delayed. Strong political will on the part of the Government of Afghanistan and Member States will be required, in particular to redress insecurity and promote the reform of key government institutions.

78. As the Transitional Administration struggles to consolidate its authority and to extend the mantle of security to the provinces, the same factional politics that

destabilize much of the country undermine its effectiveness as a national Government. There has been an increasing sense among key constituencies that certain institutions of government are neither accountable for their actions nor reflective of national aspirations. In this climate, ensuring a secure environment for the Constitutional Loya Jirga and 2004 national elections envisioned by the Bonn Agreement takes on greater importance. If the outcomes of these processes are to lay the foundation for reconciliation and stability, then the processes themselves must be perceived as legitimate and public participation must be free of intimidation and political violence.

79. The success of the upcoming political undertakings therefore depends first and foremost on the commitment of the major factions that have established a military presence extending over various parts of the country. Every day that key Government ministries remain dominated by factional interests is another day in which Afghan confidence in the central Government is further eroded. First among the ministries that must be reformed are those responsible for the security of the nation: Defence, Interior and Intelligence. Continued reform should send an important signal to the country of the Government's commitment to the creation of truly national security forces and should build the trust necessary for a successful disarmament, demobilization and reintegration programme. Additional time-specific benchmarks that should help ensure that the Government and the international community are able to conduct a credible election must be identified and met.

80. Security is needed not only to create the environment for political activities, but for reconstruction as well. The restriction of development activities in the most unstable parts of the country has not been without consequence. The denial of both security and basic social services to populations in these areas serves to further undermine public confidence in the peace process. Providing social sector reconstruction — in terms of schools, clinics, roads, and economic opportunities — attributable to the central Government will build not only political support, but also loyalty to national institutions. Such development opportunities are also likely to minimize entry into the illegal drug economy, which, if unchecked, has the potential to undermine much of the institution-building effort and the rule of law in Afghanistan. In this context, the recently proposed injection of up to $1.5 billion in aid from the United States of America would likely have a major impact on the rebuilding of Afghanistan, particularly as a portion of the money would finance projects that could be completed within a year, thereby having maximum effect before the elections in 2004.

81. The disarmament, demobilization and reintegration of armed groups and their replacement by a national army; the training of a new, professional police force; the rehabilitation of the justice system; and stemming the threat posed by illicit drugs are all essential for security, prosperity and the restoration of rule of law in Afghanistan. The international community has demonstrated its commitment to help with the establishment of the new security and legal institutions. Yet, while progress in any one of these areas is a step towards peace in Afghanistan, the full benefit of these combined projects will be felt only in the years to come.

82. Clearly, there are grave challenges to the Bonn process, and the commitment of the international community and the Afghan Government must not waver now. To ensure that the Bonn process succeeds in consolidating peace and stability, it is indispensable that international support be significantly increased and sustained.

Above all, the international community needs to strengthen its commitment to provide security. The best way to fill the security gap is for Member States to give meaning to resolution 1510 (2003) and contribute the necessary resources to enable ISAF to expand to the areas where it is most needed.

83. The United Nations remains committed to fulfilling the mandate set by Bonn, but it can do so only if the present deterioration in security is halted and reversed, and if the programmes and staff, both national and international, of the United Nations, non-governmental organizations and others assisting the Afghans are provided adequate protection. The increase in attacks on United Nations staff and other international and Afghan civilians engaged in providing assistance and furthering the peace process is a matter of the utmost concern. Their work is aimed only at improving the lives of Afghans, who have already suffered far too much. Whoever the perpetrators of these acts may be, they are the enemies of the people of Afghanistan itself and the enemies of peace in Afghanistan and in the whole region. Such despicable acts must be condemned in the strongest possible terms by everyone, and the criminal elements behind them must be made to understand that they will be resolutely opposed by all Afghan authorities, as well as by all regional and international actors whose interests and duty is to protect and promote the peace process in Afghanistan.

84. Finally, taking note of the invitation made to me by the Security Council mission to Afghanistan to study the possibilities for a second international conference to ensure the necessary financial support and political momentum for peace and stability in Afghanistan (see S/2003/1074, para. 14), I have begun a process of consultations on a follow-up to the Bonn process. In broad terms, I believe that such a conference would bring together a representative spectrum of the Afghan population in partnership with the international community. These stakeholders would review what has been achieved so far and assess what must be improved. The second conference would provide an opportunity to revise priorities for Afghanistan and define an agenda beyond the life of the Bonn Agreement. The conference should therefore serve to regenerate the political and financial support necessary for a full political and economic transition, as envisaged by the Bonn Agreement.

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Report of the Secretary-General on Khmer Rouge trials*

Summary

The Agreement between the United Nations and the Royal Government of Cambodia concerning the Prosecution under Cambodian Law of Crimes Committed during the Period of Democratic Kampuchea has been signed by both parties and is awaiting ratification through the Cambodian legislative process. In the meantime, a United Nations technical team will visit Cambodia to prepare a draft concept of operation, gather more precise cost parameters for an overall budget for the Chambers and ascertain availability of facilities and utilities.

The General Assembly is requested to take note of the present interim report. A more substantive report will be submitted on the basis of the findings of the technical team.

* The present interim report is being submitted pending the visit of an assessment team to Phnom Penh, which had to be deferred from November to December 2003.

03-64025 (E) 051203

I. Introduction

1. By its resolution 57/228 B, of 13 May 2003, the General Assembly approved the draft Agreement between the United Nations and the Royal Government of Cambodia concerning the Prosecution under Cambodian Law of Crimes Committed during the Period of Democratic Kampuchea and urged the Secretary-General and the Government of Cambodia to take all measures necessary to allow the agreement to enter into force and to implement it fully thereafter. The General Assembly further decided that the expenses of the Extraordinary Chambers to be defrayed by the United Nations in accordance with the relevant provisions of the draft agreement should be borne by voluntary contributions from the international community. The Assembly requested me to report to it at its fifty-eighth session on the implementation of the resolution.

II. Ratification process

2. The agreement between the United Nations and the Government of Cambodia was signed in Phnom Penh on 6 June 2003 by Senior Minister Sok An on behalf of the Government of Cambodia and by the Legal Counsel on behalf of the United Nations.

3. In accordance with article 30 of the agreement, it now needs to be ratified by the relevant constitutional authorities of Cambodia. Under that same article, the Government of Cambodia has undertaken to make its best endeavours to obtain such ratification by the earliest possible date.[1]

4. On 27 July 2003, Cambodia held general elections to constitute a new National Assembly. While the Cambodian People's Party received a majority of votes, it did not win enough seats in the Assembly to form a one-party government. At the time of writing, negotiations are under way between the three main parties to form a coalition government, however, to date, the normal legislative process has not resumed. Under the circumstances, it is not possible to foresee at which time the bill seeking the ratification of the agreement will be presented to the National Assembly.

III. Technical assessment visit

5. Preparations continue within the Secretariat to secure and organize the assistance that the United Nations is to provide to the Government of Cambodia under the terms of the agreement. To that end, a coordinator has been appointed. His first task has been to prepare the visit of a five-member technical assessment team to Phnom Penh. The team will gather the necessary information for formulating a concept of operations for the Extraordinary Chambers and their related institutions and will develop planning parameters for an overall budget, which are to serve as a base for an appeal to donors. It will also, inter alia: view premises proposed by the Government for the Extraordinary Chambers and their related institutions; identify utilities, facilities and services to be provided by the Government, as foreseen in article 14 of the agreement; identify the costs for utilities and services that are to be borne by the United Nations pursuant to article 17 (b) of the agreement; identify the safety and security arrangements that are to be the responsibility of the United Nations pursuant to article 17 (e) of the agreement; and identify such other

assistance as the United Nations may need to provide pursuant to article 17 (f) of the agreement in order to ensure the smooth functioning of the investigation, the prosecution and the Extraordinary Chambers. Thus far, voluntary funding sufficient only for the visit has been secured.

6. By means of a letter dated 8 October 2003, it was proposed to the Government of Cambodia that the assessment visit should take place during the second week of November 2003. By a letter dated 28 October 2003, the Government advised the Secretariat that, owing to scheduling difficulties, it considered it to be preferable that the visit should take place after 7 December 2003. Accordingly, the team is now making arrangements to carry out its visit from 8 to 13 December 2003.

7. After the return of the assessment team, I will submit a further and more detailed report to the General Assembly. I will ask Member States to suggest names of possible candidates for nomination to the Government of Cambodia for appointment as international co-prosecutor, international co-investigating judge and international judges. I will also launch an appeal to Member States inviting them to make voluntary contributions to the trust fund that has been established to finance United Nations support to the Extraordinary Chambers. As pointed out earlier, the process of setting up the Chambers can only be initiated once sufficient money is in place to fund the staffing and the operations for a sustained period of time. I would consider that condition to be met when pledges for the full three years of operation of the Chambers as well as actual contributions for its first year of operations have been received.

IV. Conclusion

8. I am very concerned by the delays in the implementation of the agreement and call upon the Government of Cambodia to ensure that its ratification is placed on the agenda of the newly constituted National Assembly as a matter of priority. In the meantime, I also appeal to the Government of Cambodia, in close collaboration with the United Nations and the donor community, to complete the necessary conceptual planning and preparatory work for the operation of the Extraordinary Chambers and their related institutions. I note in this connection that it is imperative that the Office of Administration, the Prosecutors' Office and the co-investigating judges become operational as soon as possible after the agreement enters into force.

Notes

[1] Article 32 of the agreement provides that, following its approval by the General Assembly and its ratification by the relevant constitutional authorities of Cambodia, the agreement will enter into force once both parties have notified each other in writing that the legal requirements for entry into force have been complied with.

United Nations

A/58/618–S/2003/1145

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Security Council

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Fifty-fifth anniversary of the Universal Declaration of Human Rights

Human rights questions: comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action

Security Council
Fifty-eighth year

Letter dated 1 December 2003 from the Permanent Representative of Austria to the United Nations addressed to the Secretary-General

I have the honour to inform you that on the occasion of the tenth anniversary of the 1993 World Conference on Human Rights and the Vienna Declaration and Programme of Action, the Foreign Minister of Austria and the United Nations High Commissioner for Human Rights, in cooperation with the United Nations Office on Drugs and Crime, convened an international symposium on the theme "The role of judges in the promotion and protection of human rights: strengthening inter-agency cooperation". The symposium was held on 24 November 2003 in Vienna and was attended by high-ranking representatives of governmental and non-governmental organizations, as well as by eminent judges and experts.

The symposium focused on the role of the judiciary, which lies at the core of the national systems for the promotion and protection of human rights. It was motivated by the recognition that the role of judges is pivotal for human rights, but that too often their fundamental task and its long-term impact on the overall human rights situation of a country is underestimated. The objective of the symposium was to draw attention to the needs of judges for support as regards their independence, impartiality, competence and integrity, and to facilitate a more effective and better coordinated approach by all relevant international actors inside and outside the United Nations system in assisting countries in their efforts to strengthen the role of judges in the promotion and protection of human rights.

The many constructive ideas and proposals made in the preparation of and during the symposium were embodied in the Vienna Declaration on the Role of Judges in the Promotion and Protection of Human Rights and Fundamental Freedoms, which I have the pleasure of transmitting to you (see annex).

03-64266 (E) 101203

The Declaration constitutes the contribution of Austria to the implementation of General Assembly decision 57/535, in which the General Assembly decided that during its fifty-eighth session, the plenary meeting on 10 December 2003 marking the fifty-fifth anniversary of the Universal Declaration on Human Rights would also be devoted to the commemoration of the tenth anniversary of the adoption of the Vienna Declaration and Programme of Action with contributions by Governments, the United Nations High Commissioner for Human Rights and relevant organs, funds and agencies of the United Nations system within their respective mandates.

I should be grateful if you could arrange for the present letter and its annex to be circulated as a document of the General Assembly and of the Security Council.

(*Signed*) Dr. Gerhard **Pfanzelter**
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of Austria to the United Nations

Annex to the letter dated 1 December 2003 from the Permanent Representative of Austria to the United Nations addressed to the Secretary-General

24 November 2003

Vienna Declaration on the Role of Judges in the Promotion and Protection of Human Rights and Fundamental Freedoms

The participants in the Symposium on "The Role of Judges in the Promotion and Protection of Human Rights — strengthening interagency cooperation", convened in Vienna on 24 November 2003 upon the initiative of the Foreign Minister of Austria and the UN High Commissioner for Human Rights to mark the 10th Anniversary of the 1993 World Conference on Human Rights and the Vienna Declaration and Programme of Action, agreed on the following Declaration, bearing in mind that paragraph 27 of the Vienna Declaration and Programme of Action states the following:

> **"Every state should provide an effective framework to redress human rights grievances or violations. The administration of justice, including law enforcement and prosecutorial agencies and, especially, an independent judiciary and legal profession in full conformity with applicable standards contained in international human rights instruments, are essential to the full and non-discriminatory realization of human rights and indispensable to the processes of democracy and sustainable development. In this context, institutions concerned with the administration of justice should be properly funded, and an increased level of both technical and financial assistance should be provided by the international community. It is incumbent upon the United Nations to make use of special programmes of advisory services on a priority basis for the achievement of a strong and independent administration of justice."**

I. The role of judges in safeguarding human rights and fundamental freedoms

1. Judges are front-line actors in the protection of human rights. Their role is pivotal in the process of enabling people to assert their rights and in enforcing their claims to those rights. Independence and impartiality as well as competence and integrity of the judiciary are key to the protection of human rights, given that the implementation of all rights ultimately depend upon the proper administration of justice.

2. The domestic justice system is one of the pillars of the State and as such has an obligation to ensure the observance of the State's international legal obligations. An independent and impartial judiciary that is familiar with international norms and standards, including relevant case law, can best articulate and activate the normative framework for the protection of human rights. In doing so judges also act as catalysts for law reform and social change, defending the constitution, establishing norms and contributing to the progress towards the full enjoyment of human rights and sustainable human development. Judges also have a crucial role in balancing the requirements of defending society against invidious types of crime - such as terrorism, organized crime and corruption - and preserving fundamental rights and freedoms. The rule of law and a fair judicial system can also reduce injustices in society and deter the resort to force for settling disputes.

3. Empowering the judiciary, ensuring their independence and equipping them with a comprehensive awareness of international standards is therefore vital for the protection of human rights, and regional initiatives in this regard are welcomed and encouraged. In this context reference is made to the "Bangalore Principles of Judicial Conduct" and the "Basic Principles on the Independence of the Judiciary" (General Assembly Resolution 40/146), with the proviso that it might be timely to revisit the latter in the light of recent developments.

4. Whilst judges have a primary role in the promotion and protection of human rights at the national level, they are also key in facilitating international cooperation in combating trans-national crimes and crimes under international law. Moreover, international tribunals and courts, in particular the ICC and regional human rights courts such as the European Court of Human Rights and the Inter-American Court of Human Rights, are an important instrument to complement and supplement the national mechanisms to ensure effective redress for violations of international human rights and humanitarian law. In this context, the importance of the establishment of the African Court on Human and Peoples' Rights is also to be welcomed. By fighting impunity, those courts strengthen the rule of law, thus making a fundamental contribution to peace, security and the respect of human rights.

II. The role of judges and their needs in conflict and post-conflict situations

5. Human rights violations and public perceptions of failure to secure justice are at the root of many conflicts. In such situations ensuring and sustaining the legitimacy of those institutions which safeguard human rights is a priority, recognizing that legitimacy depends on responsiveness to the rights of the human being and positive action taken to guarantee those rights.

6. In conflict situations it is through respect for international humanitarian, human rights and refugee law that the fundamental rights of the human being must be protected. In such situations members of the judiciary and of other law enforcement bodies have an obligation to observe those norms.

7. In post-conflict situations the re-establishment of the rule of law in a manner that protects and respects the human rights of all persons is key to an enduring peace and should therefore be a crucial element of peacekeeping. SC-Res. 1325 (2000) op11 emphasizes the responsibility of all States to put an end to impunity and to prosecute those responsible for genocide, crimes against humanity and war crimes including those relating to sexual and other violence against women and girls. Such crimes should also be excluded from any amnesty provisions.

8. All efforts to promote peace, justice and national reconciliation have to go hand-in-hand with those to foster accountability and respect for human rights. Particularly in post-conflict situations, problems undermining the smooth and responsive functioning of the administration of the judicial branch, such as lack of resources, non-payment of salaries, damage to physical infrastructure, inappropriate executive branch influence, judicial corruption, lack of training for judges and court staff and lack of legal reference materials as well as the need for reform of the legal framework have to be addressed.

III. Action recommended

A. Action by States

9. States are called upon to

a) **enshrine** the independence of the judiciary from the executive and legislative branches in the constitution and/or laws of each state and observe this principle in practice;

b) **ensure** a transparent and independent process for selection and promotion of judges at all levels without discrimination of any kind which is based on objective criteria, primarily professional qualifications, training, and impartiality, and not political considerations. Measures should be taken to ensure gender equality and also a fair representation of members of minority communities within the judiciary and their staff;

c) **appoint** judges and prosecutors in numbers that are sufficient in relation to case loads;

d) **ensure** that all members of the judiciary receive comprehensive and continuing training on international and regional human rights standards and humanitarian law, including specialized gender and child rights

training as well as training on the use of non-custodial and restorative justice measures. Judiciary should also be provided with specialized training to handle complex crimes and with courses on new technologies available;

e) **ensure** that all courts and members of the judiciary are provided with adequate resources to exercise their functions in a professional, objective, conscientious and impartial manner and that they receive adequate salaries;

f) **support** the judiciary in combating corruption in society and among their own ranks, since a corrupted judiciary will neither be independent nor impartial;

g) **ensure** adequate protection, including from political interference, pressure or attacks, of judges, court staff and others involved in the administration of justice, including prosecutors and defence counsels, as well as the protection of victims and witnesses;

h) **take measures** to promote fair sentencing, and to ensure monitoring of prison conditions and rehabilitation programmes as well as meaningful post release support and probation services;

i) **ensure** access of independent monitors to persons deprived of their liberty as well as the confidentiality of their conversations;

j) **ensure** access to justice and judicial remedies, including habeas corpus, for all, limit pre-trial detentions and reduce backlogs in court proceedings;

k) **foster** cooperation among all justice actors to improve the functioning of the system to guarantee the optimal protection of human rights and to ensure effective implementation without undue delay of judgement;

l) **provide** an effective judicial framework of remedies to redress human rights violations, including the possibility for national courts to decide on human rights violations and on reparations to victims of such violations;

m) **cooperate** in establishing a consolidated international data base on important judgements in the area of human rights law.

B. Action by Intergovernmental and Non-Governmental Organisations

10. Intergovernmental and Non-Governmental Organisations are called upon to

a) **raise** judicial awareness of existing international and regional standards and practice concerning the independence of justice and the role of the judiciary in the protection of human rights in particular through wide dissemination of information on international human rights law, human rights case law, guidance materials on equal rights and justice for women, a manual on the rights of children, compilations of international standards and the United Nations manual on human rights in the administration of justice in local languages as well as through workshops and seminars;

b) **develop** and **conduct** training and awareness raising projects in a participatory manner addressing capacity needs and weaknesses as identified in the specific country context, focusing on the sustainable development of judicial capacity and structures and develop appropriate training evaluation criteria;

c) **ensure** adequate representation of female judges and an overall gender perspective in their relevant projects;

d) **encourage** cooperation among judges at the sub-regional or regional level through the organization of meetings, workshops and seminars on international human rights law taking into account the proposal by the Office of the High Commissioner for Human Rights contained in the report of the Secretary General on strengthening the rule of law (Doc. A/57/275), to convene a focused strategy meeting with associations specializing in the role of judges and lawyers aimed at deepening cooperation in this area;

e) **contribute** to raising awareness among judges of the specific situation and problems of vulnerable groups in society, in particular with a view to avoiding discrimination in the administration of justice;

f) **sensitise** the broad public and key governance institutions to the importance of the independence of judges and lawyers as precondition for institutionalising an effective judiciary;

g) **support** the capacity of the legal community to respond to threats to its independence and impartiality;

h) **enhance** judicial integrity through the adoption and dissemination of codes of conduct, and through assistance in the establishment of efficient public complaints mechanisms and credible and objective disciplinary control bodies;

i) **strengthen** coordination and cooperation both at headquarters and field level in the design and execution of assistance projects so as to increase efficiency and to avoid duplication of efforts and waste of scarce resources;

j) **establish** an appropriate consolidated data-base with a view to facilitating the exchange of information on any projects and concrete action undertaken in this field;

k) **carry out** regular assessments of the performance of States' judicial systems on the basis of common statistical criteria. One such example is the Council of Europe's European Commission for the Efficiency of Justice (CEPEJ).

C. Specific action in connection with conflict and post-conflict situations

11. States and, in accordance with their respective mandates, Intergovernmental and Non-Governmental Organisations are called upon to

a) **ensure** that the rule of law, the independence of the judicial system and its functioning are as far as possible preserved in conflict situations and that judges and their staff be protected from unlawful pressure hindering them from exercising their function;

b) **ensure** that members of the judiciary and law enforcement agencies receive comprehensive information and training on international humanitarian law and that they are aware of their rights and obligations under this body of law in order to allow them to contribute effectively to its application and respect;

c) **include**, where possible, provisions in instruments resulting from conflict resolution processes under international auspices, which ensure the independence, impartiality, competence and integrity of the judicial power;

d) **ensure** comprehensive and continuing training of those involved in peace-keeping on international human rights and humanitarian law, including specialized training on gender and juvenile justice issues, on local law as well as on relevant methodologies and procedures;

e) **cooperate** with local actors, building, where possible, upon existing rule of law institutions, laws, traditions and cultures and **ensure** that there is national ownership of and active participation in the administration of justice and in efforts to establish a culture of respect for the rule of law;

f) **ensure** that people with relevant experience, including local actors, are trained to monitor and publicly report on all aspects of the administration of justice in accordance with international standards, and that monitors are granted access to all places where people are deprived of their liberty and have the right to confidential communication with such persons;

g) **ensure** a smooth transition from the peacekeeping phase to longer-term post-conflict peace-building and development efforts;

h) **take into account** specific difficulties in the administration of justice in IDP and refugee camps and consider establishing legal advice centres and mobile court systems.

i) **identify and address** in a systematic manner possible contradictions between national laws and international human rights law;

j) **enable**, where appropriate and in compliance with international human rights law, the use of traditional or alternative dispute settlement and mediation mechanisms, without prejudicing access to courts.

The participants agreed to concert their efforts for an appropriate follow-up to these recommendations.

List of participants

The Symposium on "The Role of Judges in the Promotion and Protection of Human Rights -- strengthening interagency cooperation", was convened in Vienna on 24 November 2003 upon the initiative of the Foreign Minister of Austria and the UN High Commissioner for Human Rights in cooperation with UNODC. The meeting was opened by Austrian Foreign Minister Benita Ferrero-Waldner. It was chaired by the Acting High Commissioner for Human Rights Bertrand Ramcharan. Austria was represented by Georg Mautner-Markhof, Director for Human Rights in the Foreign Ministry and Margit Bruck-Friedrich, Counsellor for Human Rights in the Foreign Ministry.

The following organizations and experts participated in the Symposium:

United Nations:

UNODC:	Mr. Antonio Maria Costa, Director General UNOV, Executive Director UNODC Mr. Eduardo Vetere, Director, Division for treaty affairs Mr. Michael Platzer, Officer in Charge, Rule of Law Section, Ms. Jo Dedeyne, Crime Prevention Officer
UNDP:	Mr. Magdy Martinez-Soliman, Practice Manager for Democratic Governance Mr. Patrick Van Weerelt, Human Rights Officer
UNHCR:	Mr. Christoph Bierwirth, Senior Liaison Officer for Human Rights
UNESCO:	Mr. Vladimir Volodin, Chief of the Human Rights and Development Section
DPKO:	Mr. Robert Pulver, Judicial Officer, Criminal Law and Judicial Advisory Unit
World Bank:	Mr. Salman M. A. Salman, Legal Counsel, Legal Department ESSD & International Law

Regional intergovernmental organisations:

Council of Europe:	Mr. Hans de Jonge, Director of External Relations
OSCE:	Amb. Ján Kubis, Secretary General
ODIHR:	Amb. Christian Strohal, Director Mr. Maximilian Hennig
AU:	Mr. Germain Baricako, Secretary to the African Commission on Human and Peoples' Rights

Non-Governmental Organisations:

ICJ:	Mr. Ernst Lueber, Acting Secretary General
AI:	Ms. Jill Heine, Legal Adviser
ICTJ:	Mr. Paul Seils, Senior Associate
Boltzmann Institute of Human Rights:	Prof. Manfred Nowak
International Bar Association:	Mr. Greg Mayne

Other Organisations:

Commonwealth Secretariat:	Mr. Hanif Vally, Head Human Rights Unit
ICRC:	Ms. Cristina Pellandini, Legal Adviser; Advisory Service on international humanitarian law
Judges/experts:	The Hon. Benjamin Odoki, Chief Justice of Uganda
	Mr. Rait Maruste, judge of Estonia at the European Court of Human Rights
	Mr. Param Cumaraswamy, former Special Rapporteur of the Commission on Human Rights on the independence of judges and lawyers
	Amb. Kurt Herndl (ret.), former UN-Assistant Secretary General for Human Rights, Rapporteur of the Symposium

United Nations A/58/619

General Assembly

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Fifty-eighth session
Agenda item 156
Measures to eliminate international terrorism

Letter dated 3 December 2003 from the Permanent Representative of Tajikistan to the United Nations addressed to the Secretary-General

As the representative of the State that is currently presiding over the Collective Security Treaty Organization (CSTO), I have the honour to transmit herewith the text of a statement by the States members of CSTO of 27 November 2003 (see annex).

I should be grateful if this letter and its annex could be circulated as a document of the fifty-eighth session of the General Assembly under agenda item 156.

(*Signed*) Rashid **Alimov**
Ambassador

03-64316 (E) 091203 091203

Annex to the letter dated 3 December 2003 from the Permanent Representative of Tajikistan to the United Nations addressed to the Secretary-General

Statement by the States members of the Collective Security Treaty Organization: the Republic of Armenia, the Republic of Belarus, the Republic of Kazakhstan, the Kyrgyz Republic, the Russian Federation and the Republic of Tajikistan

The States members of the organization, established pursuant to the Treaty on Collective Security of 15 May 1992, affirm the central role of the United Nations in mobilizing the international community in the campaign against international terrorism and consider the constant expansion of joint efforts in this area to be one of its priorities.

Terrorism remains a direct threat to international security and stability, despite the growing counter-terrorism activities of the international community. The recent terrorist acts in Saudi Arabia and Istanbul are further proof of this.

The States members of the Collective Security Treaty Organization, which have practical experience in counter-terrorism, remain determined to spearhead efforts to combat this scourge. The Treaty indeed proved to be necessary in connection with the dangerous developments in Afghanistan between 1996 and 1998 and subsequent efforts to respond to threats from terrorists groups in southern Kyrgyzstan and in other Central Asian regions, as well as following the events of 11 September 2001.

The Collective Security Treaty Organization is now building the appropriate counter-terrorism capacity. Collective rapid-deployment forces, drawn from the armed forces of the Republic of Kazakhstan, the Kyrgyz Republic, the Russian Federation and the Republic of Tajikistan, have been established to cover Central Asia. The Council of Ministers for Foreign Affairs and the Council of Ministers of Defence are operational. The Committee of Secretaries of the Security Council is developing practical measures to counter terrorism and related illicit trafficking in drugs and weapons, illegal migration and transnational organized crime. Arrangements are being made for the mutual use of relevant infrastructures of the States members of the Collective Security Treaty Organization to carry out counter-terrorism measures. The intelligence services and counter-terrorist divisions are increasing their combat readiness; joint exercises are being conducted; and coordinated plans of action are being drawn up. An agreement on a unified system of technical protection of railways of the States members of the Collective Security Treaty Organization was signed on 28 April 2003. Efforts are under way to harmonize countries' national legislation in the area of counter-terrorism. The Collective Security Treaty Organization is developing cooperation with the relevant organs of the Commonwealth of Independent States and the groundwork has been laid for contacts with the United Nations, the Organization for Security and Cooperation in Europe, the Shanghai Cooperation Organization and other international security organizations. The Collective Security Treaty Organization meets the requirements to actively participate in the system of cooperation among regional organizations evolved by the Counter-Terrorism Committee of the United Nations Security Council.

Based on international experience, we believe that effective efforts by the international community to combat terrorism at this stage might include such measures as:

- Creating a climate of rejection of terrorism in the world;
- Building confidence and consolidating the anti-terrorist coalition;
- Further developing cooperation among the law enforcement, military and intelligence services of member States, including with a view to preventing weapons of mass destruction from being used in terrorist acts;
- Expanding cooperation to cut off sources of funding to terrorists;
- Developing and streamlining the international and national legal bases for countering terrorism;
- Increasing cooperation among regional institutions in the campaign against terrorism;
- Promoting quicker and eventually more universal ratification of all United Nations counter-terrorism conventions;
- Completing the drafting of a comprehensive counter-terrorism convention and convention for the suppression of acts of nuclear terrorism;
- Beginning practical work on creating a global system to respond to new threats, in accordance with General Assembly resolution 57/145, which was adopted by consensus and sponsored by many States from the Commonwealth of Independent States as well as several other countries;
- Coordinating the activities of international regional organizations under the auspices of the Counter-Terrorism Committee of the United Nations Security Council.

We affirm that the Collective Security Treaty Organization stands ready to participate constructively in the discussion of these and possible other measures at the United Nations and other international forums.

United Nations A/58/620

General Assembly

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Fifty-eighth session
Agenda item 129
Joint Inspection Unit

Report of the Joint Inspection Unit on "From the Optical Disk System to the Official Documents System (ODS): status of implementation and evaluation"

Report of the Advisory Committee on Administrative and Budgetary Questions

1. The Advisory Committee on Administrative and Budgetary Questions has considered the note by the Secretary-General (A/58/435) transmitting the report of the Joint Inspection Unit entitled "From the Optical Disk System to the Official Documents System (ODS): status of implementation and evaluation". The Committee also had before it the comments of the Secretary-General on that report (A/58/438/Add.1). During its consideration of the item, the Committee held a videoconference with representatives of the Joint Inspection Unit, who provided additional information.

2. The Advisory Committee commends the Joint Inspection Unit for its report and notes that the Secretariat has accepted the bulk of the recommendations contained therein. The Committee requests the Secretary-General to report on the implementation of the recommendations of the Joint Inspection Unit in the context of his report on the pattern of conferences, to be submitted to the General Assembly through the Committee on Conferences.

3. The Advisory Committee recalls that, according to supplementary information provided to it during its consideration of the proposed programme budget of the United Nations for the biennium 2004-2005, provision was made for a total of $1,790,000 (before recosting), under section 29 D, Office of Central Support Services, for ODS ($260,000), to interface ODS with other critical applications in the Secretariat, and $1,530,000 for servers, software and storage space to provide free access to ODS through the Internet. **The Advisory Committee requests that, in future, information on the financial implication of extending usage of the system, including the long-term implications of processing reports published prior to the introduction of the system, be provided to the General Assembly.**

03-64463 (E) 091203

4. As can be seen from annex II to document A/58/435, 50 per cent of Member States in Geneva and 70 per cent of Member States in Vienna have not requested access to ODS. Upon enquiry, the Advisory Committee was informed that the low level of requested access to ODS by Member States in Geneva and Vienna is the result of a lack of awareness of the availability of the system. The Committee stresses the importance of modernizing, re-engineering and making ODS fully accessible to Member States; the Secretariat should publicize the availability of this facility.

5. **The Advisory Committee recommends that the General Assembly consider the report of the Joint Inspection Unit in the light of its comments provided above.**

United Nations A/58/621–S/2003/1163

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Security Council

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General Assembly
Fifty-eighth session
Agenda item 30
Question of Cyprus

Security Council
Fifty-eighth year

Letter dated 8 December 2003 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General

Upon instructions from my Government and further to the letter dated 10 October 2003, A/58/433-S/2003/991, I have the honour to draw your attention to new violations of the flight information region (FIR) of Nicosia and the national airspace of the Republic of Cyprus by military aircraft of the Turkish Air Force, recorded on 19 to 24, 27 and 31 October and 9, 10, 12 and 14 to 19 November 2003, as follows.

On 19 October 2003, three formations of a total of 10 F-4, one CN-235 and two C-130 Turkish military aircraft coming from the FIR of Ankara entered the FIR of Nicosia, violating the international air traffic regulations and the national airspace of the Republic of Cyprus as follows:

(a) The three formations of F-4 Turkish military aircraft, coming from the FIR of Ankara, entered the Nicosia FIR and violated the international air traffic regulations, flying over the shore of the occupied area of Cape Apostolos Andreas, from where they departed in easterly direction;

(b) Of the two C-130 Turkish military aircraft, one violated the national airspace of the Republic of Cyprus, flying over the occupied area of Cape Apostolos Andreas, during its departure and return from an easterly direction, while the other C-130 violated airspace of the Republic of Cyprus only during its departure;

(c) The CN-235 Turkish military aircraft patrolled the shore of the occupied area of Cape Apostolos Andreas in a search and rescue mission, violating the national airspace of the Republic of Cyprus, from where it departed towards the FIR of Ankara.

On 20 October 2003, one CN-235 Turkish military aircraft violating the international air traffic regulations and the Nicosia FIR flew over the occupied area of Mesaoria before landing at the illegal airport of Lefkoniko.

03-65107 (E) 121203

On 21 October 2003, four F-4 and two CN-235 Turkish military aircraft, coming from the FIR of Ankara in two formations, entered the Nicosia FIR, violating the international air traffic regulations and the national airspace of the Republic of Cyprus, as follows:

(a) The formation of the four F-4 Turkish military aircraft entered the Nicosia FIR, coming from the maritime area of Cape Apostolos Andreas in the occupied area of the Republic of Cyprus, violating the international air traffic regulations. Two of the aircraft exited in an easterly direction, while the other two returned towards the FIR of Ankara;

(b) One of the two CN-235 Turkish military aircraft coming from the FIR of Ankara entered the FIR of Nicosia, flying over the occupied area of Cape Apostolos Andreas and violating the national airspace of the Republic of Cyprus. The other CN-235 taking off from the illegal airport of Lefkoniko violated the national airspace of the Republic of Cyprus and overflew the occupied area of Mesaoria.

On 22 October 2003, four F-4 and one CN-235 Turkish military aircraft in two formations entered the Nicosia FIR, violating the international air traffic regulations as follows:

(a) One formation of four F-4 Turkish military aircraft entered the Nicosia FIR from an easterly direction and exited towards the FIR of Ankara, while the other formation coming from the FIR of Ankara entered the Nicosia FIR and exited in a reverse direction;

(b) The CN-235 coming from the FIR of Ankara entered the Nicosia FIR and patrolled the shore of the occupied area of Cape Apostolos Andreas in a search and rescue mission before exiting towards the FIR of Ankara.

On 23 October 2003, one CN-235 Turkish military aircraft took off from the illegal airport of Lefkoniko, violating the international air traffic regulations and the national airspace of the Republic of Cyprus and flew over the occupied areas of Kyrenia and Mesaoria before landing at the same airport.

On 24 October 2003, 10 F-4 in three formations, two CN-235 and two C-16 Turkish military aircraft entered the Nicosia FIR, violating the international air traffic regulations and the national airspace of the Republic of Cyprus, as follows:

(a) The three formations of the F-4 Turkish military aircraft coming from an easterly direction entered the Nicosia FIR, violating the international air traffic regulations before exiting towards the FIR of Ankara;

(b) One of the two CN-235 Turkish military aircraft coming from the FIR of Ankara patrolled the shore of the occupied area of Cape Apostolos Andreas in a search and rescue mission, violating the national airspace of the Republic of Cyprus. The other took off from the illegal airport of Lefkoniko, violating the national airspace of the Republic of Cyprus, and flew over the occupied area of Mesaoria. Both CN-235 Turkish military aircraft exited towards the FIR of Ankara;

(c) The two C-160 Turkish military aircraft coming from the FIR of Ankara entered the Nicosia FIR, violating the national airspace of the Republic of Cyprus, and overflew the occupied area of Cape Apostolos Andreas before exiting in an easterly direction, from where they returned in a reverse direction.

On 27 October 2003, one COUGAR Turkish military aircraft coming from the FIR of Ankara entered the FIR of Nicosia, violating the international air traffic regulations and the national airspace of the Republic of Cyprus, and flew over the occupied area of Mesaoria before landing first at the illegal airport of Lefkoniko and then at the illegal airport of Krini.

On the same day, two F-16 Turkish military aircraft coming in one formation from the FIR of Ankara entered the FIR of Nicosia, violating the international air traffic regulations before exiting in a westerly direction.

On 31 October 2003, four RF-4 Turkish military aircraft coming in one formation from the FIR of Ankara entered the FIR of Nicosia, violating the international air traffic regulations before exiting in a westerly direction.

On 9 November 2003, one CN-235 Turkish military aircraft entered the Nicosia FIR, violating the international air traffic regulations and the national airspace of the Republic of Cyprus, and flew over the occupied area of Mesaoria before landing at the illegal airport of Lefkoniko, from where it departed on the same day in a reverse direction.

On 10 November 2003, one CN-235 Turkish military aircraft entered the Nicosia FIR, violating the international air traffic regulations and the national airspace of the Republic of Cyprus, and flew over the occupied area of Mesaoria before landing at the illegal airport of Lefkoniko, from where it departed on the same day in a reverse direction.

On 12 November 2003, three C-130 and two C-160 Turkish military aircraft coming from the FIR of Ankara entered the Nicosia FIR, violating the international air traffic regulations and the national airspace of the Republic of Cyprus and overflew the occupied area of Mesaoria, as follows:

(a) The two C-130 Turkish military aircraft landed at the illegal airport of Tymbou, from where they departed on the same day in a reverse direction. The third C-130 landed at the illegal airport of Lefkoniko, from where it departed on the same day in a reverse direction;

(b) The two C-160 Turkish military aircraft landed at the illegal airport of Lefkoniko, from where they departed on the same day in a reverse direction.

On 14 November 2003, 10 NF-5 in three formations and one C-130 Turkish military aircraft coming from the FIR of Ankara entered the Nicosia FIR, violating the international air traffic regulations and the national airspace of the Republic of Cyprus, and flew over the occupied area of Kyrenia and Mesaoria before landing at the illegal airport of Tymbou in the occupied area of the Republic of Cyprus.

On 15 November 2003, eight NF-5 Turkish military aircraft in two formations took off from the illegal airport of Tymbou, violating the international air traffic regulations and the national airspace of the Republic of Cyprus and overflew the occupied areas of Kyrenia and Mesaoria before landing at the same airport.

On 16 November 2003, one C-160 Turkish military aircraft, one CN-235 and one aircraft of unknown type entered the Nicosia FIR, flying over the occupied area of Mesaoria, violating the international air traffic regulations and the national airspace of the Republic of Cyprus, and flew over the occupied area of Mesaoria

before landing at the illegal airport of Lefkoniko, from where they departed on the same day in a reverse direction.

On 17 November 2003, 10 NF-5 Turkish military aircraft in two formations, two C-130 and one aircraft of unknown type flew in the FIR of Nicosia, violating the international air traffic regulations and the national airspace of the Republic of Cyprus, as follows:

(a) The 10 NF-5 Turkish military aircraft, flying in two formations, and one of the two C-130s took off from the illegal airport of Tymbou, overflew the occupied area of Mesaoria before exiting towards the FIR of Ankara;

(b) The Turkish military aircraft of unknown type coming from the FIR of Ankara entered the FIR of Nicosia and flew over the occupied area of Mesaoria before landing at the illegal airport of Lefkoniko;

(c) The other C-130 Turkish military aircraft coming from the FIR of Ankara entered the Nicosia FIR and overflew the occupied area of Mesaoria before landing at the illegal airport of Tymbou.

On 17 and 18 November 2003, one Turkish military aircraft of unknown type and one C-130 Turkish military aircraft took off from the illegal airports of Lefkoniko and Tymbou, respectively, violating the international air traffic regulations and the national airspace of the Republic of Cyprus, and flew over the occupied area of Mesaoria before exiting towards the FIR of Ankara.

On 19 November 2003, one C-130 Turkish military aircraft entered the Nicosia FIR, violating the international air traffic regulations and the national airspace of the Republic of Cyprus, and overflew the occupied area of Mesaoria before landing at the illegal airport of Tymbou, from where it took off on the same day and departed in a reverse direction.

On behalf of the Government of the Republic of Cyprus, I strongly protest all the above-mentioned violations of the Nicosia FIR and the national airspace of the Republic of Cyprus, which violations are contrary to international law as well as to Security Council resolutions on Cyprus. We sincerely hope that the Government of Turkey will respect the sovereignty of the Republic of Cyprus and will refrain from further violations. We also hope that the Government of Turkey will change its negative stance and contribute substantively to the efforts for a just and functional solution to the Cyprus problem, on the basis of United Nations resolutions.

I should be grateful if you would have the present letter circulated as a document of the General Assembly, under agenda item 30, and of the Security Council.

(*Signed*) Andreas D. **Mavroyiannis**

United Nations A/58/622

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Agenda item 66
Consolidation of the regime established by the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco)

Letter dated 4 December 2003 from the Permanent Representative of Cuba to the United Nations addressed to the Secretary-General

I have the honour to write to you concerning the important outcome of the eighteenth regular session of the General Conference of the Agency for the Prohibition of Nuclear Weapons in Latin America (OPANAL), held in Havana, Cuba, on 5 and 6 November 2003. In that connection, I have the honour to transmit to you herewith the document entitled "Havana Declaration" (see annex).

I should be grateful if you would have this letter and its annex circulated as a document of the General Assembly under agenda item 66.

(*Signed*) Bruno Rodriguez **Parrilla**
Ambassador
Permanent Representative

03-65095 (E) 191203 191203

Havana declaration

We, the Member States of the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (OPANAL), on the occasion of the Eighteenth Regular Session of the General Conference held in Havana, Cuba, on 5 and 6 November 2003,

Reaffirm that the mere existence of nuclear weapons constitutes a threat to the survival of humanity. We therefore believe in the need to advance towards the primary objective of nuclear disarmament and attainment of the comprehensive elimination and prohibition of nuclear weapons and all weapons of mass destruction from the face of the Earth as soon as possible.

Express our conviction that achieving the objective of eliminating and prohibiting nuclear weapons forever requires firm political will on the part of all States, particularly those States possessing nuclear weapons.

Underscore that any assumption by nuclear-weapon States concerning unspecified possession of nuclear weapons is incompatible with the integrity and sustainability of the nuclear non-proliferation regime in all its aspects and with the broader objective of maintaining international peace and security.

Express our concern regarding the genuine possibility that new approaches in which a wider role is given to nuclear weapons as part of security strategies can lead to the development of new types of nuclear weapons and arguments in favour of their use.

Highlight the importance of multilateral diplomacy in the subject of disarmament, including nuclear disarmament and associated issues of international security. In this context, we recognize the important role the United Nations plays in the subject of disarmament and nuclear non-proliferation, and we reiterate our commitment to adopting measures to strengthen that role.

In this context, we:

Reiterate our satisfaction that, following the ratification by the Republic of Cuba, the Zone of Application established in conformity with the Treaty of Tlatelolco is fully in force and, thereby, consolidates the first nuclear-weapon-free zone in a densely populated region.

Reaffirm that the consolidation of the nuclear-weapon-free zone embodied in the Treaty of Tlatelolco is an important contribution of the region to international peace, security and stability and is a clear demonstration of the firm commitment of Latin America and the Caribbean to the cause of comprehensive and verifiable nuclear disarmament and the non-proliferation of nuclear weapons, in accordance with the goals and principles of the Charter of the United Nations.

Emphasize the important role played by the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (OPANAL), and consequently are committed to strengthening it as an appropriate legal and political forum to ensure unqualified respect for the Treaty of Tlatelolco and to promote cooperation and coordination mechanisms with related international agencies linked to disarmament, as well as with other nuclear-weapon-free zones.

Consequently, as Member States of OPANAL, we assume a commitment to:

Promote the convening of a Conference of States Parties and Signatories of Treaties that establish Nuclear-Weapon-Free-Zones, to be held as soon as possible, in order to support the common objectives established in these treaties and examine possible forms and means of cooperation.

Appeal to the States possessing nuclear weapons to provide full guarantees to all the States members of nuclear-weapon-free zones that they will not use or threaten to use nuclear weapons.

Promote the strengthening of the integrity of the statute of denuclearization provided for in the Treaty of Tlatelolco by requesting a review of the declarations that were formulated by the nuclear powers Parties to Protocols I and II for possible withdrawal or modification.

Strengthen national nuclear control and verification systems to prevent illicit trafficking in nuclear material.

Continue working in the sphere of competent international agencies to strengthen and supplement current international laws in the field of security and liability measures that are applicable to the transporting of radioactive material and hazardous wastes that will contribute to preventing the radioactive contamination of the marine environment in the Treaty's Zone of Application.

Havana, 6 November 2003
(Adopted by acclamation at the 102nd Session held on 6 November 2003)